

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DELIA WILSON, ON BEHALF OF	:	
HERSELF AND ALL OTHERS	:	
SIMILARLY SITUATED,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:15mc152 (RNC)
	:	
CONAIR CORPORATION,	:	
	:	
Defendant.	:	

ORDER

Pending before the court is the plaintiff's motion to compel nonparty SureSource LLC ("SureSource") to comply with a subpoena duces tecum. (Doc. #1.)

This motion arises out of pending litigation in the Eastern District of California. See Wilson v. Conair Corp., No. 14cv894 (WBS) (E.D. Cal.) In the underlying case, plaintiff alleges false advertising claims against defendant Conair Corporation and seeks to certify a class of "[a]ll persons who purchased Conair Styling Irons in California." In May 2015, plaintiff served SureSource, a nonparty located in Connecticut, with the subpoena at issue. SureSource objected on the grounds that the requests are overbroad and seek irrelevant information. On October 21, 2015, the plaintiff filed the instant motion to compel.

Thereafter, this court scheduled a conference call regarding whether the motion should be transferred to the Eastern District of California where the underlying case is pending. (Doc. #5.) On

November 10, 2015, SureSource filed its opposition to the motion to compel and indicated its consent to the transfer of the motion to California.

Fed. R. Civ. P. 45(f) provides in relevant part that "[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances." SureSource consents to the transfer of the motion to the U.S. District Court for the Eastern District of California. (Doc. #9 at 1.) It states further that the motion should be transferred because the California court is familiar with the discovery issues in this case. In view of Suresource's consent, the motion is transferred and the conference call scheduled for November 23, 2015 is canceled.

For these reasons, it is hereby ORDERED that plaintiff's motion to compel (doc. #1) is TRANSFERRED to the U.S. District Court for the Eastern District of California as the issuing court under the caption of Wilson v. Conair Corp., No. 14CV894 (WBS) (E.D. Ca.).

SO ORDERED at Hartford, Connecticut this 13th day of November, 2015.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge